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OFFICE OF PETITIONS

ON PETITION

In re Application of
Thomas Hackl
Application No. 10/631,004
Filed: July 31, 2003
Attorney Docket No. 037068.52641US

This is a decision on the petition, filed November 21, 2006, under 37 CFR 1.181, to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **GRANTED**.

A decision was rendered by the Board of Patent Appeals and Interferences on August 30, 2006 however no request for court review was filed within two months of the decision. Accordingly, since no claims existed, a Notice of Abandonment was mailed October 31, 2006. Petitioner argues that in response to the decision rendered August 30, 2006, a Request for Continued Examination (RCE) was filed on October 30, 2006.

A search of the application file and the USPTO records reveals that in fact, an RCE and amendment as the submission required under 37 CFR 1.114 was timely filed on October 30, 2006 and is of record. Further corroboration can be seen in the post-card receipt, date stamped by the USPTO on October 30, 2006, filed with the instant petition.

Accordingly, the response was timely and the Notice of Abandonment mailed October 31, 2006 was mailed in error and is hereby withdrawn. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 3683 for processing the RCE filed October 30, 2006.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
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